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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 CITY OF NORTH LAS VEGAS, et al.,

7 Plaintiff,

8 v.

9 LEE EDWARD SZYMBORSKI,

10 Defendant.  
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Case No. 2:19-cv-00955-GMN-DJA

**REPORT & RECOMMENDATION**

12 On July 10, 2019, the Court found that Szymborski failed to attach a complaint to his  
13 application to proceed *in forma pauperis* and gave him thirty days to file a complaint. (ECF No.  
14 5). To date, Szymborski has failed to file a complaint. Without a complaint, the court is unable  
15 to determine whether Szymborski seeks to remove an action originating in state court, or if  
16 plaintiff is attempting to file a new action originating in federal court. Further, Szymborski was  
17 told that failure to comply with the Court's Order will result in a recommendation that this case  
18 be dismissed.

19 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without  
20 prejudice.

21 **NOTICE**

22 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be  
23 in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The  
24 Supreme Court has held that the courts of appeal may determine that an appeal has been waived  
25 due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142  
26 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file  
27 objections within the specified time and (2) failure to properly address and brief the objectionable  
28 issues waives the right to appeal the District Court's order and/or appeal factual issues from the

1 order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi*  
2 *Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

3 DATED: October 21, 2019

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6 DANIEL J. ALBRECHTS  
7 UNITED STATES MAGISTRATE JUDGE  
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